

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HTI FINANCIAL SOLUTIONS	:	
LIMITED,	:	
	:	
<i>Plaintiff,</i>	:	1:24-cv-00237 (DLC) (JLC)
	:	
-against-	:	
	:	<b><u>DECLARATION OF ANTHONY P.</u></b>
	:	<b><u>COLES IN SUPPORT OF REQUEST</u></b>
MANHATTAN SMI KG PROPERTIES	:	<b><u>FOR CERTIFICATE OF DEFAULT</u></b>
FINANCE LIMITED, SMI USA GROUP LLC	:	<b><u>AS TO DEFENDANT SMI 520 FIFTH</u></b>
f/k/a SHANGHAI MUNICIPAL	:	<b><u>AVE LLC</u></b>
INVESTMENT GROUP USA LLC, SMI 520	:	
FIFTH AVE LLC, 520 FIFTH OWNER LLC	:	
and KG FIFTH AVE INVESTMENT LLC,	:	
	:	
<i>Defendants.</i>	:	
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Pursuant to 28 U.S.C. § 1746, Anthony P. Coles hereby declares as follows:

1. I am a member of the Bar of this Court and a partner in the law firm of DLA Piper LLP (US), attorneys for plaintiff HTI Financial Solutions Limited (“**HTIFS**” or “**Plaintiff**”) in the above-entitled action. I am familiar with all the facts and circumstances in this action.
2. I make this declaration pursuant to Rule 55.1 of the Local Rules of the Southern and Eastern Districts of New York in support of HTIFS’ request for a Clerk’s Certificate of Default as against defendant SMI 520 Fifth Ave LLC (“**SMI Fifth Avenue**”).
3. HTIFS instituted this action by way of a complaint filed on January 11, 2024. ECF No. 1. The Court issued a summons as to SMI Fifth Avenue on January 18, 2024. ECF No. 15.
4. On January 19, 2024, the summons as to SMI 520 Fifth Avenue was returned executed. ECF No. 17. As set forth in the executed summons, SMI 520 Fifth Avenue was

personally served with the summons and complaint through its registered agent, Harvard Business Services, Inc., in accordance with Federal Rule of Civil Procedure 4(h)(1)(B). *Id.*

5. SMI 520 Fifth Avenue's time to answer or otherwise move with respect to the complaint was February 9, 2024.

6. SMI 520 Fifth Avenue has not answered or otherwise moved with respect to the complaint, and the time for SMI 520 Fifth Avenue to answer or otherwise move has not been extended.

7. SMI 520 Fifth Avenue is a limited liability company organized under the laws of Delaware and is not an infant, in the military, or an incompetent person.

WHEREFORE, Plaintiff requests that the default of defendant SMI 520 Fifth Avenue LLC be noted and a certificate of default issued. A proposed Clerk's Certificate of Default is attached hereto.

I declare under the penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: New York, New York  
February 29, 2024

*/s/ Anthony P. Coles*

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Anthony P. Coles